

U.S. Serial No. 10/612,082
Filed: July 2, 2003

P8792.05

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REMARKS

SEP 29 2006

Claims 103-112 are pending in the application.

Claim Rejections - 35 U.S.C. §102(e)

The Examiner rejected claims 103-112 under 35 USC §102(e) as being anticipated by Zilla et al. (U.S. Patent No. 6,554,857). Applicants respectfully traverse the rejection on the grounds that Zilla et al. does not qualify as prior art under 35 USC §102(e).

To be prior art under 35 USC §102(e), the invention must be described in "a patent granted on an application for patent filed by another in the United States before the invention by applicant for patent." Zilla et al. was filed on November 5, 1999, based on a provisional application No. 60/144,703 filed July 20, 1999. The priority data listed on the face page of Zilla et al., in which the filing date of provisional application No. 60/144,703 is given as "Feb. 20, 1999," is an error. Applicants draw the Examiner's attention to the following attached documentation demonstrating that the filing date of provisional application No. 60/144,703 was July 20, 1999:

1. The filing receipt of provisional application No. 60/144,703 stating it was filed "07/20/99";
2. The filing receipt of the nonprovisional application Serial No. 09/434,069, filed November 5, 1999, claiming priority to "PROVISIONAL APPLICATION NO. 60/144,703 07/20/99"; and
3. A printout from PAIR for Zilla et al. under the Continuity Data tab showing the filing date of provisional application No. 60/144,703 as "07-20-1999."

Because the earliest priority date for Zilla et al. for purposes of 35 USC §102(e) is July 20, 1999, and the pending application claims priority to provisional application No. 60/144,704 filed July 20, 1999, i.e., the same day, Zilla et al. was not filed "before" the filing date of the present application as required by 35 USC §102(e), and therefore, Zilla et al. is unavailable as prior art against the present application.

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Applicants also note that Zilla et al. was cited to the Examiner in a supplemental IDS filed in the original parent application, Serial No. 09/434,649, now issued as U.S. Patent No. 6,702,848. See MPEP 609.02(A)(2).

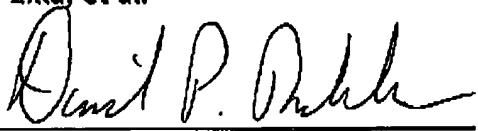
In light of the above comments, Applicants believe that the rejection over Zilla et al. has been overcome, and respectfully request that the rejection over Zilla et al. be withdrawn and that claims 103-112 proceed to issuance.

The Examiner is encouraged to contact the attorney of record at the telephone number listed below if there are any further questions.

Respectfully submitted for,

Zilla, et al.

Date: Sept. 29, 2006


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Attorney for Applicants
Customer Number 27581
Telephone Number 763-505-2913

PTO-103P
(Rev. 6-89) PROVISIONAL APPLICATION
FILING RECEIPT



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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
60/144,703	07/20/99		\$150.00	P-8794.00	0		

MUETING RAASCH & GEBHARDT P A
P O BOX 581415
MINNEAPOLIS MN 55458-1415

6 mo rem. 1/20/00 8 mo ff 3/20/00 exp DV
9 mo 4/20/00 10 mo ff 5/20/00
11 mo 6/20/00 11 mo ff 6/20/00
Conv. 7/20/00 Conv? 7/20/00

Receipt is acknowledged of this Provisional Application. This Provisional Application will not be examined for patentability. Be sure to provide the PROVISIONAL APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the date presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Provisional Application Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts of Application" ("Missing Parts Notice") in this application, please submit any corrections to this Filing Receipt with your reply to the "Missing Parts Notice." When the PTO processes the reply to the "Missing Parts Notice," the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate). This Provisional Application will automatically be abandoned twelve (12) months after its filing date and will not be subject to revival to restore it to pending status beyond a date which is after twelve (12) months from its filing date.

Applicant(s) PETER ZILLA, CAPETOWN, SOUTH AFRICA; DEON BEZUIDENHOUT, STELLENBOSCH, SOUTH AFRICA; THERESA DOWER, HOUT BAY, SOUTH AFRICA.

IF REQUIRED, FOR SIGN FILING LICENSE GRANTED 08/04/99
TITLE
TRANSMURAL CONCENTRIC MULTILAYER INGROWTH MATRIX WITHIN WELL-DEFINED
POROSITY

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AUG 09 1999

MUETING AND RAASCH

DATA ENTRY BY: YON, LOWUAN

TEAM: 05 DATE: 08/04/99

PAGE 9/11 *RCVD AT 9/29/2006 2:35:04 PM [Eastern Daylight Time]* SVR:USPTO-EFXRF-3/17 * DNI:2738300 * CSID:7635052530 * DURATION (mm:ss):03-20

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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/434,069	11/05/99	1773	\$2,314.00	P-8794	3	102	4

REED A DUTHLER
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7000 CENTRAL AVENUE NE
MINNEAPOLIS MN 55432

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts of Application" ("Missing Parts Notice") in this application, please submit any corrections to this Filing Receipt with your reply to the "Missing Parts Notice." When the PTO processes the reply to the "Missing Parts Notice," the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s) / PETER PAUL ZILLA, CAMPS BAY, SOUTH AFRICA; DEON BEZUIDENHOUT, STELLENBOSCH, SOUTH AFRICA; THERESA YVONNE DOWER, HOUT BAY, SOUTH AFRICA.

CONTINUING DATA AS CLAIMED BY APPLICANT-
PROVISIONAL APPLICATION NO. 60/144,703 07/20/99

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 12/10/99

TITLE

TRANSMURAL CONCENTRIC MULTILAYER INGROWTH MATRIX WITHIN WELL-DEFINED POROSITY

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09/434,069 **TRANSMURAL CONCENTRIC MULTILAYER INGROWTH MATRIX POROSITY**

Application	Transcription	Patent Term	Continuity	Published	For	Address &
Date	History	Information	Data	Document	Comments	Attorney/Agent

Parent Continuity Data

Description	Parent Number	Parent Filing or Date
This application Claims Priority from Provisional Application	60/144,703	07-20-1999

Child Continuity Data

10/142,957 filed on 05-10-2002 which is Patented claims the benefit of 09/434,069

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